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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Norman D. Cholewinsky
Application No. 09/369,756
Filed: August 6, 1999
For: Vehicle Entertainment
System

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(b)
:
:

This is in response to the Renewed Petition Under 37 CFR 1.47(b),
filed May 14, 2001.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to respond, correcting the below-noted
deficiencies. Any response should be entitled "Request for
Reconsideration of Petition Under 37 CFR 1.47(b)" and may include
an oath or declaration executed by the inventor. Failure to
respond will result in abandonment of the application. Any
extensions of time will be governed by 37 CFR 1.136(a).

The petition states that Rule 47 Applicant has been unable to
reach Mr. Cholewinsky by phone, and is unwilling to send
confidential documents to the last known address until
Applicant's attorney can verify that Mr. Cholewinsky still lives
there. The petition asserts that Applicant will be irreparably
damaged if the petition is not granted and sets forth the last
known address and phone number of the inventor.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof
that the non-signing inventor cannot be reached or refuses to
sign the oath or declaration; (2) an acceptable oath or
declaration; (3) the petition fee; (4) a statement of the last
known address of the non-signing inventor; (5) proof of
proprietary interest; and (6) proof of irreparable damage.
Applicant still lacks items (1) and (2) set forth above.

As to item (1), the inventor is entitled to a copy of the patent

application. If applicant is reluctant to send the correspondences to applicant without verifying the address, send the application via registered mail. With the facts of record, Applicant has failed to show that the inventor cannot be reached. Applicant has simply stated that calls were made to the telephone number of record, but that there was no answer. A copy of the application papers should be sent to the last known address of the non-signing inventor with a request that he sign the declaration for the patent application. A forwarding address should be requested; if the papers are returned, or this is no reply, then applicant will have established that the inventor cannot be reached or has refused to sign.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicant on behalf of Mr. Cholewinsky is REQUIRED. See MPEP 409.03(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Office of Patent Legal Administration

By hand: Crystal Plaza Four, Suite 3C23
 2201 South Clark Place
 Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-3159.



Karin Tyson
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